Docket No.: P-0220   PATENT
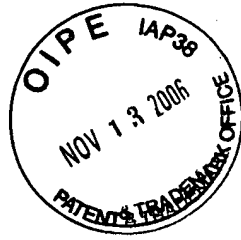
<div align="center">

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of   Confirmation No.: 4930
Jae Kyung LEE

Serial No.: 09/841,007   Group Art Unit: 2623

Filed: 4/25/2001   Examiner: Scott E. BELIVEAU

                                                       Customer No.: 34610

For: TV HAVING LANGUAGE SELECTION FUNCTION AND CONTROL METHOD
        OF THE SAME

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

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U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicant(s) request(s) review of the Final Office Action issued July 11, 2006 and subsequent

Advisory Action issued October 24, 2006. No amendments are being filed with this Request. This

Request is being filed with a Notice of Appeal, for the reasons(s) stated below.

The Office Action objects to the drawings under 37 CFR 1.83(a), and rejects claims 21-22 under

35 U.S.C. §112, second paragraph for a related issue. In the Amendment filed October 11, 2006, claim

21 was canceled and the dependency of claim 22 was amended in order to obviate the objection and

rejection. However, the Advisory Action indicates that the October 11 Amendment was not entered,

alleging that the change in dependency of claim 22 results in a change in scope. However, this

amendment caused no change in scope to any of the independent claims. Thus, Applicant respectfully

disagrees with the non-entry of the October 11 Amendment.

The Office Action rejects claims 1, 2, 4, 11-14, 18, 23 and 31-33 under 35 U.S.C. §103(a) over

U.S. Patent No. 6,002,394 to Schein et al. in view of U.S. Patent No. 6,473,778 to Gibbon and U.S.

Patent No. 6,901,367 to Berstis et al. The rejection is respectfully traversed.

Independent claim 1 recites a control unit configured to receive closed caption character

information in a first language, to send the closed caption character information to a translation site

through a network interface based on contact information associated with a plurality of translation sites stored in a storing unit if it is determined that the first language does not correspond to a selected language, and to receive the translated closed caption character information corresponding to the selected language, and a video processing unit configured to receive the translated closed caption character information and to display the translated closed caption character information on a screen substantially in synch with corresponding audio information. Independent claims 12, 18 and 23 each recite similar features in varying scope. Schein neither discloses nor suggests at least such features, let alone the respective claimed combinations of features. Further, Gibbon and Berstis, either alone or in combination, fail to overcome the deficiencies of Schein.

Schein discloses an internet enabled TV which searches an EPG held by a remote database, network, or online service, and links to related advertisers and broadcasters through the EPG. The Office Action asserts that the ability to order a transcript of a video program is commensurate to obtaining closed caption character information (see column 24, lines 14-16 of Schein). However, this portion of Schein's disclosure is specifically directed at providing links to various other, related advertisers to purchase related goods and services, such as a tape or transcript of the program shown on the guide (see column 24, lines 1-14 of Schein). This tape is simply a video reproduction of a particular program, and the transcript is simply a written, hard copy reproduction of the voice component, or script, associated with the video. Such a transcription is not displayed on the screen, let alone in synch with corresponding audio information, and thus is not comparable to the recited closed caption character information, nor does Schein disclose or suggest that this transcribed voice component goes through any sort of translation steps prior to its composition. Thus, Schein neither discloses nor suggests at least a control unit, a storing unit, and video processing unit as recited in independent claims 1 and 12, nor the corresponding method steps recited in independent claims 18 and 23.

Gibbon discloses a system for creating hypermedia documents to format television programs to for web broadcast. Closed caption text is extracted from a TV program and aligned with an actual

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transcript associated with a video application to produce an improved, frame referenced transcript. This frame referenced transcript, which reflects a combination of closed caption text and the actual transcript, is linked to a video component to produce a hypermedia document for web posting. However, it is the aligned text in the same language in which it was received, and not translated closed captioned text, which is displayed. Gibbon neither discloses nor suggests that closed caption character information is translated, nor that contact information for a plurality of translation sites is stored in any type of storing unit, nor that translated closed caption character information is displayed substantially in synch with corresponding audio information, as recited in independent claims 1, 12, 18 and 23.

Further, there would have been no motivation to modify Schein's system to incorporate the features disclosed by Gibbon. Schein's transcript is simply a written version of the script associated with a particular broadcast which is made available for purchase, and which is received by the user well after the corresponding television program has been broadcast. There would be no benefit in combining the two systems, as the written transcript purchased using Schein's system does not require the alignment taught by Gibbon, nor does Schein disclose or suggest that his television system includes any capability to produce hypermedia documents, nor that it would be useful or advantageous to do so.

Berstis discloses a data processing system 10, including a CPU 12 connected to several peripheral devices 14, 16, 18. The system 10 is loaded with a language translation package which provides internal translation capability of a limited number of incoming and outgoing languages (see column 4, lines 55-58 of Berstis), or may communicate with a single Alta Vista web site to request a translation from the listing of languages provided by that site, if so equipped. Berstis discloses in Figure 2 an email engine GUI 214, with a translation service 212 included in a list of user options 210 which allows incoming email messages to be translated into the user's language. To initialize the translation service 212, the user selects a home language 219A from a list 219B limited by the capability of the embedded software/website, and languages from which incoming messages may be translated from a second language list 220B also limited by the capability of the embedded software/website.

The text translated by Berstis' system is displayed on the user's monitor along with text in the original language. However, this translated text is simply email correspondence, and is not closed caption character information, let alone closed caption character information which is displayed substantially in synch with corresponding audio information. Further, Berstis' system automatically goes to its embedded software, if so configured, or to a single website for translation of this email text, and translation capability is limited by either the languages included in the embedded software or the languages provided on that single website. Berstis neither discloses nor suggests at least a control unit, a storing unit which stores contact information for a plurality of translation sites, and a video processing unit as recited in independent claims 1 and 12, nor the corresponding method steps recited in independent claims 18 and 23.

Further, it is respectfully submitted that there would have been no motivation to combine the systems disclosed by Schein, Gibbon and Berstis. More specifically, as set forth above, Schein's simply discloses a television system which can use an EPG to link to sites related to a particular broadcast. There would have been no motivation to modify Schein's system to incorporate the means for creating a hypermedia document as disclosed by Gibbon, which would provide no advantage, and would unnecessarily complicate the system as disclosed by Schein. Further, neither Schein nor Gibbon disclose or suggest that their systems would benefit from any type of translation capability, nor that their systems could or should be modified in any way to incorporate such a capability.

Still further, the email translation system disclosed by Berstis is specifically directed at email applications, which are relatively non-time sensitive when compared to a television broadcast, in which closed caption character information, and therefore, translated closed caption character information, should be displayed substantially in synch with its corresponding audio and video components if the combination thereof is to ultimately make sense and the translation be of value to the viewer. Berstis neither discloses nor suggests that his email translation system could or should be modified to include the capability to translate closed caption text associated with a television broadcast, nor the capability to

display the translated closed caption text in synch with corresponding audio information. Rather, it is respectfully submitted that the Examiner's piecemeal reconstruction of the features recited in independent claims 1, 12, 18 and 23 through the combination of the Schein, Gibbon and Berstis references relies on the use of impermissible hindsight gleaned from Applicant's own disclosure.
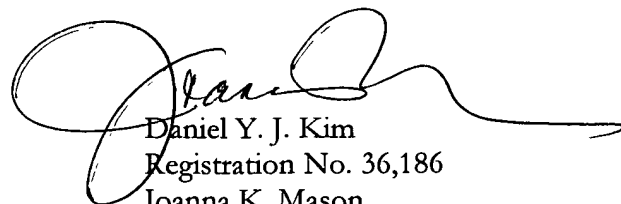
Thus, it is respectfully submitted that independent claims 1, 12, 18 and 23, as well as claims 2, 4, 11, 13, 14 and 31-33, which depend therefrom, are allowable over Schein, Gibbon and Berstis.

The Office Action rejects claims 5-10, 15-17 and 19 under 35 U.S.C. §103(a) over Schein, Gibbon and Berstis in view of U.S. Patent No. 5,918,013 to Mighdoll et al. (hereinafter "Mighdoll"). The rejection is respectfully traversed.

Dependent claims 5-10, 15-17 and 19 are allowable over Schein, Gibbon and Berstis at least for the reasons set forth above with respect to independent claims 1, 12 and 18, from which they respectively depend, as well as for their added features. Further, Mighdoll is merely cited as allegedly teaching a translation relay site server, and thus fails to overcome the deficiencies of Schein, Gibbon and Berstis. Accordingly, it is respectfully submitted that claims 5-10, 15-17 and 19 are also allowable.

Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

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